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27195 7590 03/21/2008 AMIN, TUROCY & CALVIN, LLP 24TH FLOOR, NATIONAL CITY CENTER 1900 EAST NINTH STREET CLEVELAND, OH 44114				
EXAMINER MURRAY, DANIEL C				
ART UNIT 2143		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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# Office Action Summary

**Application No.**

10/609,186

**Applicant(s)**

MARCJAN, CEZARY

**Examiner**

DANIEL MURRAY

**Art Unit**

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09JAN2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SI/ICE)
- Paper No(s)/Mail Date 10SEP2008
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(c), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(c) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09JAN2008 has been entered.

### *Claim Objections*

2. **Claim 10** is objected to because of the following informalities:

- Claim 10 line 13, replace “leas1” with --least-- before “one”

Appropriate correction is required.

### *Claim Rejections - 35 USC § 101*

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**Claims 10-14 and 19-21** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. **Claims 11-14 and 20-21** are rejected by virtue of their dependency on **claims 10 and 19** respectively.

**Claim 10** states: In a context association system for forming context associations between first and second objects that are stored in computer memory and are associated with each other

based on user computer interactions, computer object sharing **software** stored in computer readable media, comprising: **software** for storing association information relating to one or more associations between a selected object in a first computer space and one or more first objects in the first computer space, wherein the association information is determined automatically based upon interactions between the user and the objects; **software** for sharing the selected object from the first computer space with a second computer space, the second computer space including at least one of the first objects; and **software** for automatically sharing from the first computer space with the second computer space the one or more associations in the first computer space between the selected object and the at least one first object in the second computer space.

**Claim 19** states: In a context association system for forming context associations between first and second objects that are stored in computer memory and are associated with each other based on user computer interactions, computer object sharing computer **software** in computer readable media, comprising: **software** for storing association information relating to one or more associations between a selected object in a first computer space and a second computer space, wherein the association information is determined automatically based upon interactions between the user and the objects, and wherein the objects are at least one of files, applications, contacts and communications; **software** for determining whether the association of the selected object with the second computer space is of an extent greater than a predetermined threshold; and **software** for interfering with the sharing of the selected object with the second computer space if the association of the selected object with the second computer space is not of an extent greater than the predetermined threshold.

Applicant attempts to claim non-statutory subject matter (i.e. software). Applicant fails to properly claim a computer readable storage type medium comprising the software and thus fails to fall within a statutory category and is thus, per se, considered software.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1, 3, 6-10, and 12** are rejected under 35 U.S.C. 102(e) as being anticipated by

**Kenyon et al. (US Patent # US 6,792,430 B1).**

a) Consider **claims 1 and 10**, Kenyon et al. clearly show and disclose, a method and software for a context association system for forming context associations between first and second objects that are stored in computer memory and are associated with each other based on user computer interactions (abstract, column 1 lines 7-9 lines 46-49, lines 54-67, column 2 line 1, column 4 lines 3-8, column 5 lines 26-29), a method of sharing computer objects, comprising: storing association information relating to one or more associations (column 4 lines 3-8, column 7 lines 10-15) between a selected object in a first computer space and one or more first objects in the first computer space, wherein the association information is determined automatically based upon interactions between the user and the objects (abstract, column 2 lines 14-24, column 3 lines 31-40, column 5 lines 26-30, column 6 lines 59-66), and wherein the objects are at least one of files,

applications, contacts or communications (digital information objects, documents, files)(abstract, column 1 lines 7-9 lines 46-49 lines 66-67, column 2 line 1, column 4 lines 3-6, column 8 lines 32-36); sharing the selected object (documents, emails, shared network files)(column 8 lines 32-36) from the first computer space with a second computer space, the second computer space including at least one of the first objects; and automatically sharing from the first computer space with the second computer space the one or more associations (inherent from the teachings of Kenyon et al. since keywords defining overlays (i.e. associations) are contained in the document and they are transferred with the document when shared and the overlay is downloadable and can be made available globally)(column 5 lines 14-29, column 6 lines 59-66, column 7 lines 10-15) in the first computer space between the selected object and the at least one first object in the second computer space.

b) Consider **claim 3 and 12**, and as **applied to claim 1 and 10 above**, Kenyon et al. clearly show and disclose one or more associations between the selected object in the first computer space and the one or more first objects in the first computer space include an indirect association between the selected object and a particular first object, the indirect association including a direct association between the selected object and an intervening first object and a direct association between the intervening first object and the particular first object (inherent from the teachings of Kenyon et al. since overlays are created which include concepts described by keywords and linked to objects which may in turn be linked to other concepts through similar association, thus it is possible for objects to be linked both directly and indirectly through their associations)(abstract, column 1 lines 46-49 lines 62-65, column 2 lines 52-54 lines 60-67, column 3 lines 1-10 lines 21-24, column 7 lines 4-24).

c) Consider **claim 6**, and **as applied to claim 1 above**, Kenyon et al. clearly show and disclose the selected object and the first objects include computer files (digital information objects, documents, files)(abstract, column 1 lines 7-9 lines 46-49 lines 66-67, column 2 line 1, column 4 lines 3-6, column 8 lines 32-36).

d) Consider **claim 7**, and **as applied to claim 1 above**, Kenyon et al. clearly show and disclose at least one of the first and second computer spaces corresponds to a computer memory store (inherent from the teachings if Kenyon et al. since a memory would be required to store WWW sites, emails, local documents, shared network files, presentation program files, spread sheets etc.) (column 8 lines 32-41).

e) Consider **claim 8**, and **as applied to claim 1 above**, Kenyon et al. clearly show and disclose at least one of the first and second computer spaces corresponds to an accessible space of computer objects (abstract, column 1 lines 46-65, column 2 lines 52-54, column 8 lines 32-36) that are accessible by a user.

f) Consider **claim 9**, and **as applied to claim 1 above**, Kenyon et al. clearly shows and disclose the sharing includes copying the selected object from the first computer space to the second computer space (column 7 lines 10-15, column 8 lines 32-41).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. **Claims 2, 5, 11, and 14** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kenyon et al. (US Patent # US 6,792,430 B1)** in view of **Batty et al. (US Patent # US 6,223,212 B1)**.

a) Consider **claims 2 and 11**, and as **applied to claims 1 and 10 above**, Kenyon et al. clearly show and disclose storing in the first computer space association information relating to an association between the selected object and the second computer space (column 4 lines 3-8, column 7 lines 10-15) However, Kenyon et al. does not specifically disclose determining whether the association between the selected object and the second computer space is of an extent greater than a predetermined threshold; wherein the selected object is shared from the first computer space with the second computer space upon a determination that the association between the selected object and the second computer space is of an extent greater than the predetermined threshold.

Batty et al. discloses determining whether the association between the selected object and the second computer space is of an extent greater than a predetermined threshold (figure 2, column 2 lines 45-56, column 4 lines 8-18); wherein the selected object is shared from the first computer space with the second computer space upon a determination that the association between the selected



object and the second computer space is of an extent greater than the predetermined threshold (column 2 lines 56-61).

Therefore, it would have been obvious to one of ordinary skill in the art that the time the invention was made to incorporate the teachings of Batty et al. into the system of Kenyon et al. for the purpose of coordinating the sharing of an application with multiple computer systems (column 2 lines 42-44).

b) Consider **claims 5 and 14**, and **as applied to claims 1 and 10 above**, Kenyon et al. show and disclose the claimed invention. However, Kenyon et al. does not specifically disclose that at least one of the one or more associations is unidirectional between the selected object the one of the first objects.

Batty et al. show and disclose that one or more associations are unidirectional (Batty et al., figure 1, column 3 lines 66-67, column 4 lines 1-3 lines 33-40, column 5 lines 21-23) between the selected object the one of the first objects.

Therefore, it would have been obvious to one of ordinary skill in the art that the time the invention was made to incorporate the teachings of Batty et al. into the system of Kenyon et al. for the purpose of determining control over an application (column 4 lines 33-40).

6. **Claims 4, and 13** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kenyon et al. (US Patent # US 6,792,430 B1)** in view of **Batty et al. (US Patent # US 6,223,212, B1)** as applied to **claims 3 and 12 above**, and further in view of **Hatori (US Patent Publication # US 2003/00221122 A1)**.

a) Consider **claims 4 and 13**, and as applied to **claims 3 and 12 above**, Kenyon et al. as modified by Batty et al. clearly shows and discloses the claimed invention except automatically

sharing from the first computer space with the second computer space the intervening first object, together with the direct association between the selected object and the intervening first object and the direct association between the intervening first object and the particular first object.

In the same field of endeavor, Hatori clearly shows and discloses a file sharing service (abstract, paragraph [0010]) that allows downloading files (paragraph [0053] paragraph [0054]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teachings of Hatori into the teachings of Kenyon et al. as modified by Batty et al. for the purpose of sharing the intervening object together with the direct association between the first object and the particular object. Such a feature would have made the system of Kenyon et al. more efficient by not only sharing the indirect association between the first object and particular object but also sharing the intervening object and the direct associations between the first object and particular object that cause the indirect association to be made.

7. **Claims 15-17 and 19-21** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kenyon et al. (US Patent # US 6,792,430 B1)** in view of **Hatori (US Patent Publication # US 2003/00221122 A1)**.

a) Consider **claim 15-17 and 19-21**, Kenyon et al. clearly show and disclose, a context association system for forming context associations between first and second objects that are stored in computer memory and are associated with each other based on user computer interactions (abstract, column 1 lines 7-9 lines 46-49, lines 54-67, column 2 line 1, column 4 lines 3-8, column 5 lines 26-29), a method and computer object sharing computer software in computer readable media, comprising: software for storing association information relating to one or more associations (column 4 lines 3-8, column 7 lines 10-15) between a selected object in a first computer space and a second computer space, wherein the association information is determined automatically based upon

interactions between the user and the objects (abstract, column 2 lines 14-24, column 3 lines 31-40, column 5 lines 26-30, column 6 lines 59-66), and wherein the objects are at least one of files, applications, contacts or communications(digital information objects, documents, files)(abstract, column 1 lines 7-9 lines 46-49 lines 66-67, column 2 line 1, column 4 lines 3-6, column 8 lines 32-36); software for initiating sharing of the selected object (documents, emails, shared network files)(column 8 lines 32-36) from the first computer space with the second computer space; and automatically sharing from the first computer space with the second computer space an association (inherent from the teachings of Kenyon et al. since keywords defining overlays (i.e. associations) are contained in the document and they are transferred with the document when shared and the overlay is downloadable and can be made available globally)(column 5 lines 14-29, column 6 lines 59-66, column 7 lines 10-15) in the first computer space between the selected object and a first object that is in both the first computer space and the second computer space. However, Kenyon et al. does not specifically disclose software for determining whether the association of the selected object with the second computer space is of an extent greater than a predetermined threshold; sharing the selected object from the first computer space with the second computer space if the association of the selected object with the second computer space is of an extent greater than the predetermined threshold and interfering with the sharing of the selected object with the second computer space if the association of the selected object with the second computer space is not of an extent greater than the predetermined threshold.

Hatori shows and discloses file sharing service in which the sharing of files is terminated/disabled bases upon a predetermined security level (i.e. threshold) wherein the service determines whether the association of the selected object with the second computer space is of an extent greater than a predetermined threshold (abstract, paragraph [0010] lines 1-7 lines 13-17,

paragraph [0012], paragraph [0013], paragraph [0021]); and interferes with the sharing of the selected object with the second computer space if the association of the selected object with the second computer space is not of an extent greater than the predetermined threshold (abstract, paragraph [0010] lines 1-7 lines 13-17, paragraph [0012], paragraph [0013], paragraph [0021]).

Therefore, it would have been obvious to one of ordinary skill in the art that the time the invention was made to incorporate the teachings of Hatori into the system of Kenyon et al. for the purpose of interfering with the sharing of a selected object based on a predetermined threshold for security reasons (paragraph [0021]). Such a feature would have made the overall system of Kenyon et al. more secure by limiting access based on a predetermined threshold.

8. **Claim18** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Kenyon et al. (US Patent # US 6,792,430 B1)** in view of **Hatori (US Patent Publication # US 2003/00221122 A1)** and further in view of **Batty et al. (US Patent # US 6,223,212, B1)**.

a) Consider **claim 18**, and **as applied to claim 17 above**, Kenyon et al. as modified by Hatori. However, Kenyon et al. as modified by Hatori does not specifically disclose that the association is unidirectional between the selected object the first object.

Batty et al. show and disclose that one or more associations are unidirectional (figure 1, column 3 lines 66-67, column 4 lines 1-3 lines 33-40, column 5 lines 21-23) between the selected object the one of the first objects.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Batty et al. into the system of Kenyon et al. as modified by Hatori for the purpose of determining control over an application (column 4 lines 33-40).

***Response to Arguments***

9. Applicant's arguments filed 09JAN2008 have been fully considered but they are not persuasive.

10. Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

The examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider each of the cited references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage disclosed by the examiner.

11. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Blumer et al. (US Patent # US 6,189,019 B1) disclose: "Computer System and Computer-Implemented Process for Presenting Document Connectivity"
- Bly et al. (US Patent # 5,220,657) disclose: "Updating Local Copy of Shred Data in a Collaborative System"
- Brown et al. (US Patent # US 6,549,221 B1) disclose: "User Interface Management Through Branch Isolation"
- Brown et al. (US Patent # US 6,812,941 B1) disclose: "User Interface Management Through View Depth"
- Chaganti et al. (US Patent # US 6,845,448 B1) disclose: "Online Repository for Personal Information"
- Chaganti et al. (US Patent Publication # US 2005/0065950 A1) disclose: "Online Repository for Personal Information"
- Chang (US Patent # 5,694,594) discloses: "System for Linking Hypermedia Data Objects in Accordance with Associations of Source and Destination Data Objects and Similarity Threshold without using Keywords or Link-Defining Terms"
- Clifton-Bligh (US Patent # 6,775,659 B2) discloses: "Methods and Devices for Mapping Data Files"
- Gilbert et al. (US Patent # 6,370,537 B1) disclose: "System and Method for the Manipulation and Display of Structured Data"
- Hohensee et al. (US Patent # 5,717,922) disclose: "Method and System for Management of Logical Links Between Document Elements During Document Interchange"
- Johnson et al. (US Patent # US 6,842,878 B1) disclose: "Method to Document Relations Between Objects Using Graphical Interface Tree Component"
- Leshem et al. (US Patent # US 6,470,383 B1) disclose: "System and Methods for Generating and Displaying Web Site Usage Data"
- Shen et al. (US Patent # 5,596,746) disclose: "Method for Transforming Relational Data Base Schemas into Object Models Using Ideal Table Meta Models"
- Shimizu et al. (US Patent # 5,634,062) disclose: "System for Managing Hypertext Node Information and Link Information"
- Suppan et al. (US Patent # US 7,334,196 B2) disclose: "User Interface Display Navigation and Item Selection System"
- Chen et al. "Automatic Construction of Networks of Concepts Characterizing Document Databases", SEP/OCT 1992, IEEE, IEEE Transactions on Systems, Man, and Cybernetics, Vol. 22 No. 5, Pages 885-902

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL MURRAY whose telephone number is 571-270-1773. The examiner can normally be reached on Monday - Friday 0800-1700 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571)-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DCM

/Daniel Murray/  
Examiner, Art Unit 2143

/Kenny S Lin/  
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